3.8.13.2 General comment on Waitati / Doctors Point

1291. The s42A Report noted that Waitati has a primary school, community centre, library, convenience store and a bus service into the city. Large parts of Waitati (but not Doctors Point) are subject to a Hazard 2 Flood overlay, meaning that new development requires resource consent.

1292. The township is not serviced for wastewater, and on-site disposal is required, reflected in a 1,000m² minimum site size for township and settlement development. The area is serviced by the Northern Pipeline, which is supplied from Mt Grand Water Treatment Plant and provides water to Waitati and sites further north. The scheme does not have capacity for urban expansion, as demonstrated by water shortages in Warrington in 2016. There are currently poor fire flows (WWS Request for Technical Assessment, pp. 5-6).

1293. Submissions were received in relation to 4 sites within the Waitati / Doctors Point area: 135 / 145 Doctors Point Road, 128D Doctors Point Road, 3 Chelivode Street and 974-1045 Mount Cargill Road. As many of the submitters and issues raised were common for the Doctors Point Road and Chelivode Street sites, the submitters’ evidence on these is considered together, after the submissions and s42A Report response are summarised.

3.8.13.3 135 and 145 Doctors Point Road, Waitati (Sheet 58)

1294. 135 and 145 Doctors Point Road (known as Opeke) are together a 19.51ha block of land, both owned by Willowridge Developments Ltd. The sites are zoned Township and Settlement Zone in the 2GP. The zoning is Rural in the operative Plan.

1295. A large number of submitters and further submitters sought to change the zoning of these sites. These are summarised below:

3.8.13.3.1 Submissions to Retain Township and Settlement

1296. Willowridge Developments Ltd (OS593.1) submitted in support of the proposed 2GP zoning, noting that the surrounding environment is residential in character, the land is within the township of Waitati with three houses already on the sites and the land is unsuitable for use as a viable farm unit due to its limited size and potential reverse sensitivity issues. Zoning it Township and Settlement would consolidate existing residential areas and would be an efficient and appropriate use of the land.

1297. Graeme & Marie Bennett (OS298.1) submitted in support of the rezoning of the land at 135 and 145 Doctors Point Road, as the land adjoins other residential land and lends itself to residential development.

1298. Ian Scott (OS1055.1) was neutral on the zoning of the land but wanted to ensure that development did not take place unless necessary infrastructure upgrades were completed first so that others, especially local farmers, do not have lower service delivery. Furthermore, the upgrades should not be at ratepayers’ expense.

3.8.13.3.2 Submissions seeking Lower Density Residential Zoning

1299. Sabina Lobitz (OS521.1) submitted that the Opeke area should have no more than 11 houses on it, rather than the possible 236 under the Township & Settlement Zone. Her reasoning related to concerns about flooding, the impact of infrastructure services, and the change that would happen to the character of the area and pristine environment with intensive development. Furthermore, she did not believe there was a demand for residential development in Waitati.

1300. Hagen Bruggemann (OS536.1) also supported a zoning not allowing more than 11 houses, questioning a need for more housing when there is already plenty of land
available in the nearby Don’s Creek subdivision, and raising concerns about flooding issues.

1301. **Simon Ross** (OS174.1), **Jamie Heaps** (OS282.1) and **Jody Heaps** (OS303.1) sought to change the zoning to Rural Coastal or LLR2, reflecting either the operative Plan zoning or the zoning further along the road towards Doctors Point. This would ensure that effects on traffic, character and waste infrastructure were managed, to ensure infrastructure can cope, and to retain the character of the area.

1302. **Stuart Strachan** (OS577.1) submitted that Opeke should be rezoned Rural, or alternatively LLR2, because of the pressure development at Township and Settlement density would put on water, sewage and roading infrastructure.

1303. **David Littleton** (OS971.2) submitted that the Opeke site should be zoned LLR2 as this would be a more accurate reflection of community values and housing density.

1304. **James Ross** (OS221.1) sought a maximum of 15 houses in total, preferring the sparser residential development further along Doctors Point Road that leaves trees and bush being the predominant feature rather than houses.

1305. Heather Lorraine (OS472.2) sought lower density residential zoning for the site to protect the “rural village culture” and infrastructure concerns. She would support a density of 12 to 15 houses.

1306. **Kati Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou** (OS1071.130) also sought to change the zoning to Large Lot Residential 2.

### 3.8.13.3 Submissions to Change the Zoning to Rural Residential 1 Zoning

1307. **Anne & Andrew McLean** (OS352.2) submitted that Opeke should be rezoned RR1 to provide for some development, but not a substantial increase, due to an increase in traffic, effluent run off, demands on the water supply, and effects on the Blueskin Bay ecosystem and the high amenity and coastal character values.

1308. **Laura Dawson** (OS400.7) made a similar submission.

1309. **Michael Borrie** (OS436.1) sought a Rural or Rural Residential 1 zoning highlighting the need for additional wastewater infrastructure. The number of additional dwellings, if zoned Township and Settlement, would also impinge on social support services and their ability to cope.

1310. **Murray Johnston** (OS273.4) submitted that the coastal land of Opeke is not capable of sustaining wastewater and stormwater runoff at the proposed high density of development. Moreover, the permitted density of development would impact on the high amenity values of the area.

1311. **John Kaiser** (OS165.1) submitted that the most suitable zoning, using the criteria in the 2GP, is Rural Residential.

### 3.8.13.4 Submissions to Change to Rural Zoning or objecting the proposed change of current zoning

1312. **Lee Paterson** (OS36.1), **Paul Clements** (OS75.1), **Geraldine Tait** (OS101.3), **Phil & Jillian Borrie** (OS129.3), **Christopher Linsell** (OS141.1), **Frances Ross** (OS148.1), **Andrew Borrie** (OS150.1), **Wendy Harrex** (OS170.1), **Liz Abbott** (OS179.1), **Stephen Bourne** (OS193.1), **Hilary Newby** (OS220.1), **Jessica Ross** (OS222.1), **Gerald Fitzgerald** (OS233.1), **Blueskin Bay Watch Society Inc** (OS240.1) supported by **Jen Rodgers** (FS2413.1), **Colin & Leean Tom** (OS242.1), **Elizabeth Guthrie – Higbee** (OS246.1), **Anthony Parata** (OS248.2), **Rosemary Penwarden** (OS260.1), **Jen Rodgers** (OS262.1), **Campion Read** (OS264.1),
1313. Mr Borrie opposed any increase in the density in Waitai in general.

1314. The submitters’ various reasons included that the Township and Settlement zone will result in: an increase in traffic, with consequent effects on safety of pedestrians, cyclists and horses; safety issues at the rail crossing; parking issues; the unsuitability of the one lane bridge serving the area; visual and amenity impacts; impacts on the estuarine environment, including on commercial shell fishing and customary use of the bay; sewage treatment limitations due to the poor soil; increased flooding; poor water supply; effects on natural character; the distance from the town centre and amenities; limited community facilities within Waitai; the lack of need for high density housing in the area; lack of consultation; ability to use the area for some rural uses; and climate change issues.

1315. Willowridge Developments Limited (FS2153) opposed all the submissions not supporting retention of the Township & Settlement zoning, and supported Graeme and Marie Bennett’s submission (OS298.1).

3.8.13.3.5 s42A Report

1316. The Reporting Officer described the site as an elevated area of open land, adjacent to Blueskin Bay. It currently exists as a small number of residential dwellings, boat sheds and storage sheds. A walkway with public access has been established across part of the site and around the coastline, with extensive native planting in some areas.

1317. She considered that there are two primary issues with residential zoning for this area. One is the water infrastructure constraints, and the second is the impact on visual amenity. The water supply network does not have capacity for additional residential development at this scale, and upgrades are not currently planned. Proceeding with a significant residential expansion at Waitai is likely to lead to the need to upgrade the water supply network.

1318. The effects on visual amenity were assessed by Barry Knox, DCC Landscape Architect. He noted that the area provides an important visual backdrop to Blueskin Bay when viewed from key public viewing points, notably from Doctors Point reserve and SH1. The existing open area interspersed with more mature trees and shrubbery presents an attractive complement to the coastal environment and provides some respite from a continuous presence of residential settlement.

1319. Other dwellings further up the hill to the south-east are well surrounded by mature vegetation which integrates them well with the surrounding landscape. If increased domestication closer to the coast was to be approved, in his opinion this intensity should be no greater than around the more elevated existing houses, and there should be good
focus on providing a significant percentage of surrounding green space (Statement of Evidence, para. 26-29).

1320. The Reporting Officer noted that the existing development referred to by Mr Knox, to the south-east of the site (Thornicroft Road), is zoned Township and Settlement, but individual lots range from 1,000 m² to 2,350m², with a reasonable number at approximately 1,700 m², and several undeveloped sites. The average site area per existing dwelling in this street is approximately 2,500 m² (21 dwellings in a 54,000m² area), which is equivalent to Large Lot Residential Zone density.

1321. Louisa Sinclair, DCC Hydraulic Modeller, noted that the site would need to be self-sufficient in terms of water supply, wastewater and stormwater management. If the Township and Settlement zoning was retained, then there should be a Structure Plan with conditions that water would not be supplied from the DCC’s reticulated network (WWS Request for Technical Assessment, pp. 6-7).

1322. Grant Fisher, DCC Transport Planner/Engineer, noted that Doctors Point Road currently provides limited infrastructure for non-motorised road users (including pedestrians). However, the DCC is in the process of improving pedestrian infrastructure, to a basic level of service, up to/near the site which can cater to the proposed Township and Settlement Zone. There are no pedestrian facilities connecting the Waitati township to Doctor’s Point Road. Development in the Doctors Point area is constrained by a one-way bridge over Orokonui Stream. There are no apparent alternative emergency access routes for the proposed development areas. His conclusion, however, was that the proposed zoning could be supported by the existing infrastructure (Statement of Evidence Combined Comments, pp. 5-6).

1323. In response to the wastewater issue raised by submitters, the Reporting Officer noted that appropriate wastewater disposal systems must be installed. Modern septic tank systems are capable of treating effluent to a high quality and this would minimise any potential contamination.

1324. Her view was that zoning the area at township and settlement density is inconsistent with Policy 2.6.3.1 due to the lack of water supply and effects on visual amenity. Zoning at a lower density would reduce these impacts, but in the case of LLR2, not fully alleviate them.

1325. Rural Residential zoning the area is not strictly consistent with Policy 2.1.6.4 as the sites are not adjacent to any other rural residential zoned land. It is also a less efficient use of the land than LLR but is worthy of consideration if the Panel agreed that the impacts on visual amenity are unacceptable at LLR density.

1326. She therefore recommended that the submissions seeking to retain Township and Settlement zoning are rejected with consideration given to Rural residential zoning, or a transition overlay leading to future Large Lot zoning once infrastructure issues are resolved (s42A Report for ULS Part 2, section 5.1.17, p. 164).

3.8.13.3.6 3 Cheilvode Street, Waitati

1327. Part of 3 Cheilvode Street, adjacent to Buckingham Street, is zoned Township and Settlement in the 2GP. In the operative plan, this part of the property is zoned Rural. The area is adjacent to other Township and Settlement land, zoned R5 in the operative plan.

1328. A large number of submissions were made in relation to the zoning of this area. The requested changes are as follows:
3.8.13.3.7 Submissions to retain Township and Settlement Zone

1329. Graeme and Marie Bennett (OS298.1) sought to retain the notified Township and Settlement Zone. The reasons given were that the land is adjacent to existing housing, amenities and infrastructure, it consolidates existing residential areas, and it is an efficient and appropriate use of the land.

3.8.13.3.8 Submissions to change to rural zoning

1330. Geraldine Tait (OS101.4), David and Gillian Charters (OS128.1), Phil and Jillian Borrie (OS129.4), Christopher Linsell (OS141.1), Chris Baillie (OS192.1), Blueskin Bay Watch Society Inc. (OS240.1), Elizabeth Guthrie-Higbee (OS248.2), Anthony Parata (OS246.1), Rosemary Penwarden (OS260.1), Jen Rodgers (OS262.1), Campion Read (OS264.1), Hank Rebman (OS279.1), Sue Hensley (OS306.1), Janene Oliver (OS353.1), Leonie Rousselot (OS467.1), Juergen Gnoth (OS527.2), Morgan Trotter and Helen Keeling (OS1069.1) and the Blueskin Resilient Communities Trust (OS1070.18) sought to amend the zoning to Rural, as in the operative Plan.

1331. The reasons given included: effects on natural coastal character of the area, effects on estuarine ecology, including the shellfish industry, which is vulnerable to run-off from steep land, pollution from septic tanks and run-off, the impact on waterways, climate change impacts, increased flooding, pressure on infrastructure, including drinking water, lack of wastewater infrastructure, increased traffic volumes, including over the one-way bridge and rail crossing, distance from local and town amenities, the area is rural in nature, adverse impacts on the health and wellbeing of the community, impact on community look and feel, impacts on views, light pollution, the need to retain agricultural land in a changing climate, and that there is plenty of room for expansion in land nearby if needed.

3.8.13.3.9 Submissions to change to Large Lot Residential 2

1332. Jamie Heaps (OS282.1) and Anne and Andrew McLean (OS352.1) sought to change the zoning to Large Lot Residential 2 Zone. The reasons given were: increased traffic, effects on the character of the area, increased run-off / effluent and lack of sewerage infrastructure.

3.8.13.3.10 Submissions seeking a ‘Lower density’ residential zoning

1333. Heather Fleming (OS472.1) sought to rezone the area to ‘a lower density’ residential zoning. The reasons given were a wish to maintain rural lifestyle, suggesting higher density is contrary to the rural character of the area; and increased pressure on roads, footpaths and sewerage and water.

3.8.13.3.11 Section 42A Report

1334. The Reporting Officer described the site as a relatively small area, adjacent to existing Township and Settlement zoned land. She noted that while there are water constraint issues, this area would provide for a relatively small number of additional houses (22).

1335. The site was assessed by Barry Knox, DCC Landscape Architect. In his view, a key element of this location is the distinction between the domesticated lower coastal area and the elevated area which currently exhibits high natural character values, and which has very few structures, recognised by 2GP Significant Landscape overlay at approximately the 100m contour. In his opinion, it is very important to preserve this distinction. The current R5 Zone, which extends up to around 40m in elevation, even although there are no dwellings established at this stage. There are existing dwellings close by, below the site towards the coast. The notified Township and Settlement Zone would allow a reasonably dense domesticated area between around 40 metres and 60 metres, but it would not extend as high as the significant landscape area. Consequently,
his view was that the zoning would not lead to more than minor adverse effects on the overall natural rural character or visual amenity values for this location (Statement of Evidence 3 Chelivode Street, pp. 4-5).

1336. Louisa Sinclair and Grant Fisher made similar statements in respect to 3 Chelivode Street as they made about Opeke (Section 3.8.13.3.5).

1337. The Reporting Officer considered that in all respects other than water supply, zoning the area Township and Settlement is consistent with Policy 2.6.3.1. The issues raised by submitters in opposition are the same as those for the larger 135 / 145 Doctors Point Road site; however, the significantly smaller area and its location further from the coast (and so less visually prominent) distinguish this site. She therefore recommended that the Township and Settlement zoning be retained, provided that the water network is able to cope with the additional development and additional capacity is required in Waitati.

3.8.13.3.12 Hearing evidence for all sites above

1338. Alison Devlin spoke on behalf of Willowridge Developments Ltd (OS93.1), owner of 135 and 145 Doctors Point Rd (Opeke). She spoke to the original submission, in which the submitter primarily sought the retention of the Township and Settlement Zone proposed under the 2GP.

1339. She described how the site is currently used for grazing alpacas (hobby farming). However, due to its limited size, potential reverse-sensitivity issues, and the potential for intensive rural activity to adversely affect the marine ecology of Blueskin Bay, she considered it unsuitable for use as a viable farming unit.

1340. She considered the recommended Rural Residential zoning to be an “entirely inefficient” use of the site, and a major deviation from the notified 2GP.

1341. In relation to water supply, Ms Devlin maintained that the proposal would not affect water supply to the township, as there is an existing reticulated supply and this can be supplemented through the collection of roof water. This is currently the main supply of water on the site. The council was aware of the water supply when it decided to zone the area Township and Settlement (Statement of Evidence, p. 4).

1342. Ms Devlin explained that it is not Willowridge’s intention to create a development that is out of character with its setting, and the submitter’s preferred approach would be to cluster development in the parts of the site with the best ability to absorb it, and to leave the remainder of the site as open reserve areas. She considered the site has the potential to accommodate approximately 48 units without adversely affecting the landscape and visual character of the environment. She proposed that to achieve this, the site is rezoned Large Lot Residential 2, with an additional performance standard which limits the number of sites to 48. This would provide relief to the submitters who requested this rezoning.

1343. Graeme and Marie Bennett (OS298.1 and OS298.3), owners of 3 Chelivode Street and 128D Doctors Point Road, Waitati, appeared at the hearing. Mr Bennett agreed with the s42A recommendation to rezone 3 Chelivode Street as Town and Settlement Zone, and accepted that the exit on to Doctors Point Road is “less than ideal” (Statement of Evidence, p. 3).

1344. With regards to 128D Doctors Point Road, the land is currently comprised of pines and a mixture of North and South Island native trees. Under his proposal, Mr Bennett stated that this area would be “protected and enhanced” (Statement of Evidence, pp. 4-5).

1345. He remarked that this site is ideally suited to Large Lot Residential 2 Zone, as this would provide sufficient land per lot to lessen the visual impact of houses and maintain the existing natural attributes of Doctors Point. Moreover, he put forward that the subdivision
process would provide an opportunity to maintain the landscape qualities of this land through the use of further controls, to be agreed upon with Council.

1346. A number of the submitters who opposed the 2GP Town and Settlement zoning of 135 and 145 Doctors Point Road and 3 Chelivode Street provided evidence at the hearing. We have summarised this below, based on the topic of concern.

Visual amenity

1347. Gerald Fitzgerald (OS233.1) presented evidence on behalf of himself and as the President of the Waitati Beach Reserve Society (OS1041.1). He was also supported by David Redshaw (OS803.1). He agreed with Mr Knox’s landscape advice that Opeke provides an important visual backdrop to Blueskin Bay. He further commented that this is a landscape which “sets the scene” for promoting the Otago coastline, and that maintaining its integrity will help Dunedin to become a premier tourist destination (Statement of Evidence, p. 11). He considered that Willowridge’s amended proposal to cluster site on Opeke would exacerbate visual impacts, rather than reduce them.

1348. Waitati resident Edmund Higbee (OS719.1) also considered that rezoning would negatively impact visual amenity and detract from the natural character of the coastal environment (Statement of Evidence, p. 1-5).

1349. Laura Dawson (OS400.7) believed Waitati would be an amazing place for a new property, but the risk to its beauty is far greater than the need for any new property development in the area (Statement of Evidence, p. 3-4).

1350. Juergen Gnoth (OS527.1 and .2), a professor in tourism marketing, evaluated the ‘place’ and landscape values of Waitati, expressing his belief that Waitati has reached capacity, visually, aesthetically and in terms of rural character (Statement of Evidence, p. 5). While Mr Gnoth noted he had expertise in assessing landscape values, we took Mr Gnoth’s evidence as lay evidence rather than expert evidence, as it was not pre-circulated. He also disagreed with the advice of Mr Knox regarding Chelivode Street, that 38 dwellings would not impair the rural amenity values. He pointed out that Mr Knox neglected to address the proposals together, as they can create cumulative effects. Overall, he concluded that the rural, amenity, socio-cultural and recreational values of Waitati would be seriously damaged were the proposed zoning and subsequent developments to go ahead (Statement of Evidence, p. 7-10).

1351. John Kaiser (OS165.1) noted that historically the settlement pattern at Doctors Point was small sections for working class people, along the railway line, and was known as Michies Crossing. Further development of Opeke would compromise the natural character and landscape values of the coastal environment (Statement of Evidence, p. 1).

Water supply

1352. In regard to water supply, Mr Fitzgerald (OS233.1) considered there is a clear discord between development and the current infrastructure. He agreed with the advice from the DCC Water and Waste Services that Opeke would need to be self-sufficient in terms of water supply, wastewater and stormwater management. However, he disagreed with Willowridge’s submission that supplementing supply with rainwater from roof collection would be sufficient for the needs of most modern households. Development will inevitably result in pressure on the Council to upgrade water infrastructure (Statement of Evidence, p. 21).

1353. Ms Charters, for David and Gillian Charters (OS128.1), Waitati residents, also criticised the s42A assessment (assessment sheet 56) which stated both that the proposed zone could be supported by existing infrastructure and that the site would need to be self-sufficient for water supply. They noted that there are houses in the area at the end of the supply line who already struggle to obtain sufficient for their domestic needs and
stressed that serious consideration needed to be given to what might happen in the event of a fire (Statement of Evidence, p. 1).

1354. Anthony Parata (OS248.2) also highlighted that not only are the sites outside of the boundary of the northern water scheme, there is no remaining capacity (Statement of Evidence, p. 1-2).

Water quality and ecological impacts

1355. Gerald Fitzgerald (OS233.1) called David Redshaw of Southern Clams, who spoke supporting Mr Fitzgerald’s submission. Mr Redshaw explained how contamination is one of the biggest health risks associated with shellfish, with the number of habitations in the catchment, and the poor existing waste management on predominantly clay soils, the main source of pollution. He concluded by stating that if significant subdivision was to be allowed at Opeke, this would result in a huge increase in pollution (Statement of Evidence, p. 28).

1356. Mr Redshaw also outlined the monitoring that Southern Clams undertakes to meet commercial harvesting requirements. He then spoke about the nature and frequency of situations in which harvesting must stop, due to the level of pollutants reaching a critical threshold.

1357. Mark Schallenberg, an aquatic scientist, was called by Mr Fitzgerald and the Waitati Beach Reserve Society (OS1041.1). He acknowledged that the cumulative contaminant flows from residential activity would be augmented by future development. He described how proximity of Opeke sites to the bay means that any impacts on the estuary will be direct impacts, unmediated by catchment processes. He agreed with Mr Fitzgerald’s comments that increased residential development of Opeke will lead to increased levels of nutrients from wastewater, stormwater and general domestic run-off, and increased levels of E. coli.

1358. He referred to the s42A Report comment that “modern septic tanks are capable of treating effluent to a high quality...” and remarked that this “oversimplifies the issues” (Statement of Evidence, pp. 4-5). He agreed that modern septic tanks can be effective in removing pathogens and solid wastes, and in some cases can mitigate nutrient leaching, their overall effectiveness in reducing nitrogen leaching is generally minor and their effectiveness in reducing phosphorus leaching is highly variable. Residential development would result in increased water use in the catchment, and therefore increased flows, with associated contamination, into the Bay. Further study of the potential impacts was required. He strongly endorsed the Council develop a catchment wide management plan, based upon comprehensive science, for Blueskin Bay (Statement of Evidence, pp. 4-6).

1359. Mr Fitzgerald concluded that the potential 195 residential sites are highly likely to have adverse environmental consequences for Blueskin Bay. These would not be diminished by Large Lot Residential zoning. He discussed Willowridge’s (OS593.1) amended proposal to develop 48 sites on Opeke. He considered that clustering the sites would concentrate wastewater and stormwater, with consequential ecological impacts (Statement of Evidence, p. 14). A Rural Residential zoning on Opeke would lessen effects; however, it was still a concern that this zoning would not consider a broader catchment-wide assessment of cumulative effects of future development in the estuary (Statement of Evidence, p. 7).

1360. John Kaiser (OS165.1) indicated that he changed his submission to supporting a Rural Residential zoning, to seeking a Rural zoning for the land, on the basis of having heard the Waitati Beach Reserve Society’s evidence. He noted that there is no research on the health of the Bay, sites of 1,000m2 are too small to absorb wastewater and so will cause wastewater run-off. Residential chemicals, such as moss remover, would also contaminate the Bay (Statement of Evidence, p. 1).
1361. Sue Hensley (OS306.1), on behalf of herself and Blueskin Bay Watch Society Inc (OS240.1), agreed with Mr Schallenberg that contaminant flows from existing residential activity would be compounded by future development (Statement of Evidence, pp. 1-2). Drawing on a report by Dr Kirstie Murdoch titled ‘Pharmaceutical Pollution in the Environment: Issues for Australia, New Zealand and Pacific Island Countries, May 2015’, she explained that pharmaceutical products can have significant adverse effects on aquatic life, and stated that neither septic tanks nor current sewage systems are designed to remove or degrade pharmaceutical residues. Mr Kaiser (OS165.1) and Juergen Gnoth (OS527.1 and .2) also drew attention to the threat that domestic chemicals can have on aquatic life.

1362. Jen Rodgers (OS262.1) shared her concerns at the lack of wastewater infrastructure in Waitati (oral evidence), while Ms Charters stated that earlier work in the area had established that properties built on sections of 1700m² and above can adequately deal with their sewage disposal, but that those on less are unlikely to be able to cope (Statement of Evidence, p. 1). In addition, Mr Higbee stressed that rezoning to Township and Settlement will adversely impact the ecosystem and quality of environment at Blueskin Bay, due to increased wastewater and domestic overflow, combined with the underlying clay soil type (Statement of Evidence, p. 1-5).

1363. David and Gillian Charters (OS128.1) also raised the issue of surface run-off; in which an increased density of houses will have a significant impact on properties downstream. This is exacerbated by an increased area of impermeable surfaces. She acknowledged that on-site stormwater detention ponds, or direction of discharge into a local watercourse were suggested as a solution; but remarked that neither of these solutions were feasible, and an explanation of where the proposed ponds would be located had not been provided (Statement of Evidence, p. 1). Mr Higbee, Ms Hensley and John Kaiser all shared similar concerns regarding surface run-off.

1364. Mr Higbee (OS719.1) considered that residential intensification is inappropriate without first addressing Blueskin Bay’s environmental issues (Statement of Evidence, p. 1-5); while Mr Parata and Mr Kaiser stated that more information needed to be provided on the effects on this sensitive coastal area (Statement of Evidence, p. 1-2). Ms Dawson considered that further intensifying an area characterised by such a high risk ecosystem would not be in the best interests of the area. She believed that any development would increase this risk, but Township and Settlement more so than Rural Residential (Statement of Evidence, pp. 3-4).

**Transport issues**

1365. The impacts of development on transport were addressed by Ms Dawson, who considered the roads unsuitable to sustain further increases in traffic, due to their narrow and winding nature (Statement of Evidence, p. 3-4). Ms Charters expressed concern at the increased traffic density that is likely to result from the introduction of so many new dwellings (Statement of Evidence, p. 3).

1366. Ms Hensley, Mr Higbee and Ms Charters all raised concerns about the current access to Chelivode Street. The only entrance/exit is via Blacks Bridge over the Waitati River, which has flooded numerous times under extreme weather conditions. Ms Hensley considered this a significant issue in terms of access for emergency services (Statement of Evidence, p. 3); with Mr Higbee remarking that to increase the number of households in the area without addressing this significant natural risk, in addition to incremental sea level rise, is ‘irresponsible’. He suggested that the management of this issue is ‘inadequately canvassed’ in Mr Fisher’s transport evidence (Statement of Evidence, p. 1-5). Mr Gnoth described Waitati’s transport infrastructure to be at a ‘tipping point’, with a requirement for a new bridge, widened roads and more footpaths (Statement of Evidence, p. 5).
1367. **Ms Hensley** raised concerns about potential reverse-sensitivity effects for rural activity on the road, as Chelivode Street is an important link between farms (Statement of Evidence, p. 1-2).

1368. **John Kaiser** spoke on behalf of **Wendy Harrex** (OS170.1) and noted her concerns with roading not being able to cope with additional traffic.

*Need for additional residential capacity*

1369. **Ms Charters** considered that the proposed rezoning is inconsistent with the Dunedin City Council’s residential research report (2011), which indicated that population increase was unlikely to happen in the Waitati area (Statement of Evidence, p. 1). She suggested that land at 3 Chelivode Street could be used to supply residents displaced as a result of rising sea levels with new properties, rather than ‘putting these sections further out of reach’ of locals due to the substantial price that the homes will most likely be marketed at (Statement of Evidence, p. 2).

1370. **Geraldine Tait** (OS1101) questioned who would benefit from the rezoning; suggesting that the type of development proposed would only benefit people in a wealthy, middle-aged, working demographic. Her view was that Council have a role not in just building and managing social housing, but “ensuring that areas for future development include affordable housing” (Statement of Evidence, p. 2-3). **Ms Tait** requested that the land remains zoned Rural, at least until there is proper engagement with the community about the direction in which growth should take, and the future demand for residential development (Statement of Evidence, p. 2-3).

3.8.13.3.13  **Revised recommendations**

1371. In her revised recommendations, the Reporting Officer made the following comments:

- there is a risk of a strong demand for a wastewater treatment plant if further development occurs, which is contrary to Policy 2.6.3.1.b;
- there is a need to upgrade the water network or require self-servicing of new sites;
- there is no evidence of demand for sections in the area and growth is not predicted;
- the impacts of additional development through nitrates and stormwater run-off is not known;
- there is strong community opposition; and
- she accepted the evidence of **Juergen Gnoth** on the likely change to community if substantial growth occurs.

1372. However, she noted that if there was a wish to provide for some limited growth in Waitati, and relocation of sites from hazard zone, 3 Chelivode Street is preferable to the others proposed in Waitati.

1373. Alternatively, she suggested allowing a smaller number of dwellings on the 3 Chelivode Street site and the Opeke site, preferably sited to minimise visual impact. She suggested that this could be achieved via a Structure Plan.

3.8.13.3.14  **128D Doctors Point Road, Waitati**

1374. **Graeme & Marie Bennett** (OS298.3) sought to change the zoning of the northern part of 128D Doctors Point Road from Rural Coastal to Large Lot Residential 2 Zone, because they believe the area is suitable for residential development, has no natural hazards and is generally located outside the proposed landscape overlay zone. They also sought that
the Significant Natural Landscape boundary be moved upslope, so there is no overlap with the proposed Large Lot Residential 2 Zone.

1375. The Reporting Officer described the site as being approximately 6.6 ha and comprising the northern part of a larger block zoned Rural Coastal in the 2GP. It adjoins established housing (zoned Township and Settlement) along the inland side of Doctor’s Point Road. It comprises a north-facing slope that was previously a pine plantation. It is partly overlain by the Significant Natural Landscape Overlay (Flagstaff-Mt Cargill) (SNL). The request to move the boundary of the SNL was considered in the Natural Environment hearing and rejected.

1376. Mr Moore assessed the impacts on landscape values and noted that the SNL is intended to maintain and enhance the natural character and rural amenity values of the hill backdrops to the city, which provide the setting and context for urban areas. The land above the existing residential development is steep and quite visually prominent. The SNL boundary in this area reflects the existing landscape pattern to a large extent and promotes retention of a bold rural landscape context to the built development around the southern shore of Blueskin Bay. In his assessment, if the SNL boundary was to be amended, the most appropriate direction would be downward, to incorporate the extent of the steep landform. He considered that there no justification in terms of landscape character to adjust the line upward, and that rezoning the area for residential use is not appropriate.

1377. Ms Sinclair made similar comments in relation to the water and waste infrastructure as are noted above in relation to 135 / 145 Doctors Point Road.

1378. The Reporting Officer recommended that the submission be rejected, noting the constraints in the water network and the effects on landscape values.

3.8.13.3.15 Decisions and reasons for Doctors Point Road and Chelivode Street sites

135 and 145 Doctors Point Road, Waitati

1379. We reject the submissions of Willowridge Developments Ltd (OS593.1), Graeme & Marie Bennett (OS298.1) and Graeme & Marie Bennett (OS298.3)

1380. We accept in part the submissions of Lee Paterson (OS36.1), Paul Clements (OS75.1), Geraldine Tait (OS101.3), Phil & Jillian Borrie (OS129.3), Christopher Linsell (OS141.1), Frances Ross (OS148.1), Andrew Borrie (OS150.1), Wendy Harrex (OS170.1), Liz Abbott (OS179.1), Stephen Bourne (OS193.1), Hilary Newby (OS220.1), Jessica Ross (OS222.1), Gerald Fitzgerald (OS233.1), Blueskin Bay Watch Society Inc (OS240.1) supported by Jen Rodgers (FS2413.1), Colin & Leean Thom (OS422.1), Elizabeth Guthrie – Highbee (OS426.1), Anthony Parata (OS428.2), Rosemary Penwarden (OS260.1), Jen Rodgers (OS262.1), Campion Read (OS264.1), Penelope Margaret Hutchings OS269.1, Hank Rebmann (OS279.2), Sue Hensley (OS306.1), Lynda Peppercorn & Ivan Bassett (OS327.1), Nevil Melvin (OS345.1), Janene Oliver (OS353.1), Elizabeth Sumpter (OS401.1), Stephanie McConnon (OS415.1), Leonie Rousselet (OS467.1), Eric Meder (OS481.1), Margaret Meder (OS486.1), Jenni McLeod (OS511.1), Trisha Geraets (OS520.1), Jurgen Gnoth (OS527.1), David Borrie (OS533.1), Alexander Ross (OS545.1), Peter Borrie (OS548.1), Bernice Borrie (OS549.1), Roger Belton (OS598.1), Karen Eve Jacquard (OS645.1), Benedict Hugo Fernando Stewart (OS678.1), Alasdair Morrison (OS694.1), Edmund Higbee (OS719.1), Andrew Philip Stewart (OS728.1), Diana Margaret Struthers (OS745.1), David Redshaw (OS803.1), Paul Cardno (OS808.1), Cathrin Stewart (OS831.1), Jeanette Trotman (OS963.2), Clive Trotman (OS970.2), Catherine Fitzgerald (OS983.1), Anna Marsich (OS1004.3), The Waitati Beach Society Inc (OS1041.1), Morgan Trotter & Helen Keeting (OS1069.1), Lucy Wing (OS203.1), and Blueskin Resilient Communities Trust (OS1070.17), and Ian Scott (OS1055.1), Sabina Lobitz (OS521.1), Hagen Bruggemann (OS363.1), Simon Ross (OS174.1), Jamie Heaps (OS282.1) and Jody Heaps (OS303.1), Stuart Strachan (OS577.1), David Littleton (OS971.2), James Ross (OS221.1), Heather Lorraine
(OS472.2), Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou (OS1071.130), Anne & Andrew McLean (OS352.2), Laura Dawson (OS400.7), Michael Borrie (OS436.1), Murray Johnston (OS273.4), John Kaiser (OS165.1).

1381. We accept in part the submissions of Geraldine Tait (OS101.4), David and Gillian Charters (OS128.1), Phil and Jillian Borrie (OS129.4), Christopher Linsell (OS141.1), Chris Baillie (OS192.1), Blueskin Bay Watch Society Inc. (OS240.1), Elizabeth Guthrie-Higbee (OS248.2), Anthony Parata (OS246.1), Rosemary Penwarden (OS260.1), Jen Rodgers (OS262.1), Campion Read (OS264.1), Hank Rebman (OS279.1), Sue Hensley (OS306.1), Janene Oliver (OS353.1), Leonie Rousselot (OS467.1), Juergen Gnoth (OS527.2), Morgan Trotter and Helen Keeling (OS1069.1), Blueskin Resilient Communities Trust (OS1070.18), Jamie Heaps (OS282.1), Anne and Andrew McLean (OS352.1), and Heather Fleming (OS472.1).

1382. We assessed the sites against Policy 2.6.3.1 for appropriateness as residential zoning.

1383. The first consideration is Policy 2.6.3.1.a, relating to capacity. As discussed earlier, we accept the Reporting Officer's evidence there is sufficient residential capacity for the short term (clause 2.6.3.1.a.i) and therefore provision of additional capacity has not been heavily weighted in our decision-making. We have therefore rezoned to residential only where there is clear alignment with other elements of Policy 2.6.3.1.

1384. Turning to Policy 2.6.3.1.b, the initial evidence of DCC Transportation Group staff did not appear to assess Township and Settlement Zone density on 135/145 Doctors Point Road, however commented that the recommended zoning (either Large Lot Residential 1 or Rural Residential 1) could be supported. Specific issues raised in relation to all sites included existing pressure on SH1 during morning peak and expected reduction in LOS at the SH/north end of city in 10-15 years, and relatively poor provision for non-motorised modes. It was also noted, in the case of Chelivode Street and 128D Doctors Point Road, that access was off a gravel road, and that upgrades to this would likely be required.

1385. The evidence of DCC Water and Waste Services staff is that there are water capacity issues in the water infrastructure catchments serving Waitati and Doctors Point, that there is no capacity to serve the area, and that additional capacity will not be available for the next 15-20 years. No wastewater service available in this area (i.e. on-site disposal would be required). There is no stormwater network in the area, and effects of additional stormwater have not been assessed.

1386. As discussed in Section 3.5.4, we have sought to take a city-wide view of the relationship between infrastructure and residential capacity in our decisions, so as to ensure alignment with the NPS-UDC. As a result, of the highly infrastructure-constrained water and wastewater infrastructure network catchments, we have provided additional residential development capacity in only two of them – the Northern Tahuna catchment, and the Kaikorai Valley/South Dunedin Tahuna catchment. We consider that providing for additional residential capacity (even as RTZs) in other highly-constrained infrastructure catchments, including communities on the northern water scheme, would be inconsistent with the NPS-UDC, as it would risk diverting limited DCC resource from the delivery of infrastructure upgrades (and therefore the timely provision of residential capacity and housing choice) elsewhere. We therefore conclude there is poor alignment of this site with Policy 2.6.3.1.b.

1387. Looking to Policy 2.6.3.1.c, we consider there is some alignment with this criterion. While Waitati has a range of services, a school and connection to a public transport route, it is 1.4km distant from the 135/145 Doctors Point Road. We consider that Chelivode Street has a stronger alignment with this criterion, it being closer to Waitati itself. We also accept the evidence of Mr Juergen Gnoth that the community will likely change in character if development at scale takes place.
1388. In terms of alignment with Policy 2.6.3.1.d, we consider there are questions of alignment with these criteria.

1389. Starting with clause 2.6.3.1.d.i and vi (relating to rural character and amenity and other aesthetic considerations, including open space between coastal settlements), we accept Mr Knox’s evidence that the 135/145 Doctors Point Road provides an important visual backdrop to Blueskin Bay when viewed from Doctors Point reserve and SH1, and a break in the residential settlement. We accept that the intensity of development should be no greater than around the more elevated existing houses, and that rural residential would suit the circumstances of this site better. In relation to 3 Chelivode Street, we accept his evidence that residential development in this area would be acceptable in landscape terms. In relation to 218D Doctors Point Road, as outlined in the Natural Environment Decision Report, we have not amended the SNL overlay zone in this location. We accept the evidence of Mr Moore that the land above the existing built development is steep and quite visually prominent, and that residential development is not supported in this area.

1390. Matters relating to effects on indigenous biodiversity, natural character and access to/recreational use of the coastal environment are relevant considerations under clause 2.6.3.1.d.iv, v and vi, and we consider there is clear conflict with these criteria, particularly for 135/145 Doctors Point Road.

1391. As outlined in the Natural Environment Decision Report, we received and accept evidence that some areas of indigenous vegetation around the coastal fringe of 135/145 Doctors Point Road have been assessed as significant, and also that the coastal margin of the site meets the criteria for inclusion as a Natural Coastal Character overlay zone. We note this does not affect the majority of the two sites, but does give some indication of the coastal values of the site. In terms of public access, we note the evidence that a walkway has been provided by Willowridge around the coastal margin of the site, which is currently open to the public, but is not in public ownership or (so far as we were advised) in any way guaranteed provision for public access into the future.

1392. We also accept the evidence of Dr Schallenberg that Blueskin Bay itself has important biodiversity values, and associated with these, significant recreational and commercial fisheries. We note this evidence is corroborated by the statement of Mr Redshaw on Southern Clams Ltd’s operations, monitoring of water quality, and observations of recreational shellfish harvesting supplied by Mr Fitzgerald on behalf of both himself and The Waitati Beach Society Inc. We consider the large number of submissions received on proposed urban zoning in the vicinity of Blueskin Bay, many of which raised concerns about potential impacts on the health of the estuary, to be a very good indication of the importance of the health of the Blueskin Bay ecosystem to the local community.

1393. We accept Dr Schallenberg’s evidence that run-off from residential activities can have adverse effects on the health of estuarine environments, most notably through the increased nitrogen, phosphorous and \( \textit{E.coli} \) loading, and that the efficacy of any measures to attenuate or mitigate this additional loading can vary significantly depending on site-specific conditions. We further accept that those activities closer to the estuary are more likely to have direct effects on water quality and thus ecosystem health. We were persuaded by his evidence that there is inadequate monitoring data available upon which to judge the current state of health of the estuary, although we do consider that the data presented by Southern Clams Ltd evidence that current levels of contaminants entering the estuary are adversely impacting on existing fisheries. Our conclusion from this evidence was that, given the lack of any wastewater or stormwater infrastructure in the area, providing for any significant intensification of residential activity in this area, particularly on sites immediately adjacent to the MHWS, may well pose significant risks for the ecological values of Blueskin Bay.

1394. In terms of clause 2.6.3.1.d.viii (the potential risk from natural hazards, including climate change), we note that while the neither 135/145 Doctors Point Road, nor 3 Chelivode Street is subject to hazard overlays, we received evidence that the access road to the
sites from SH1 floods, and we note that it is covered by a Hazard 2 (Flood) overlay zone reflecting moderate risk. We therefore conclude there are some concerns about alignment with this criterion for all properties.

1395. Considering our assessment of alignment against Policy 2.6.3.1.b, we consider there is also poor alignment with clause 2.6.3.1.d.ix, relating to efficient public infrastructure. We are also not convinced that the sites are among the stronger candidates when considered against clauses 2.6.3.1.d.x and xi, relating to efficient transportation and the compact and accessible city objective.

1396. Overall, we consider that any development at residential density in the Doctors Point/Waitati area has relatively poor alignment with the criteria in Policy 2.6.3.1, particularly Policy 2.6.3.1.b, and d.iii and v (relating to effects on biodiversity). We agree with the Reporting Officer that 3 Chelivode Street has closer alignment with the criteria than 135/145 Doctors Point Road or 128D Doctors Point Road, but we do not consider any of the sites well suited to development at residential density.

1397. Having ascertained 135/145 Doctors Point Road was not appropriate for residential zoning, we also assessed it against Policy 2.6.1.Y (for appropriateness as rural residential zoning).

1398. Both 135 and 145 Doctors Point Road have a dwelling on them. As there are only two sites, and they are at 7.7ha and 11.8ha respectively, they do not strictly meet the criteria under 2.6.1.Y, as they do not constitute a ‘cluster’ of undersized rural sites in separate ownership. However, they are completely isolated from any other area of rural zoned land, and the use on the ground is certainly more akin to rural residential than rural. There are a issues of alignment with Policy 2.6.1.4 (as set out below). They are more aligned with Rural Residential 2 zoning (under clause 2.6.3.1.a.i) than Rural Residential 1 zoning (under clause 2.6.3.1.a.i) due to the size of the sites.

1399. Any rezoning to Rural Residential 1 would therefore need to be undertaken under Policy 2.6.1.3, in accordance with the policy framework set out in the Rural Residential Decision Report. As the 2GP makes ample provision for rural residential zoned land and so these rezoning requests do not meet the first criterion in Policy 2.6.1.3.a. In light of this, we consider rezoning would not be consistent with Policy 2.6.1.3.b regarding maintaining the balance between provision of land for lifestyle farming, with the overall Plan objectives around maintaining a compact city and having efficient and effective public infrastructure networks.

1400. While there is reasonable alignment with Policy 2.6.1.3.d, in terms of the criteria in Policy 2.6.1.4 (assessment prompted by Policy 2.6.1.3.c), for the reasons set out in our assessment against 2.6.3.1.d, above, we consider there are conflicts with clauses 2.6.1.4.c.i and iv, v, vi, vii, viii and ix.

1401. Overall our conclusion is the requests for rezoning of these properties do not, on the whole, meet the 2GP’s strategic policies for rezoning additional rural residential land. However, given that they Rural Residential 2 zoning would not grant additional development rights, and the area is completely isolated from any form of rural zoning and will not therefore create pressure for expansion of an isolated rural residential zone, we consider Rural Residential 2 is the most acceptable zoning.

1402. We have therefore:

- amended the zoning of 3 Chelivode Street by returning to its operative boundaries;
- amended the zoning of 135 and 145 Doctors Point Road (Opeke), Waitati, from Township and Settlement Zone to Rural Residential 2;
• retained 128D Doctors Point Road as Rural.

974-1045 Mount Cargill Road, Waitati (Sheet 57)

1403. David Littleton (OS971.3) sought to change the zoning of 974 - 1045 Mt Cargill Road and 30 - 62 Short Cut Road from Rural Residential 1 Zone to Large Lot Residential 2 Zone. He believed that more land should be provided for housing to provide resilience for the Waitati community, to enable relocation from flood-prone areas, increase the school roll and support the local shop.

1404. The Reporting Officer described the area as being approximately 40ha in area, with the land sloping gently towards the north. The area is sparsely developed with lifestyle farming. It is bounded and intersected to the west by Mt Cargill Road and to the east by Shortcut Road. The northern boundary overlaps slightly with the Hazard 2 Flood – Coast overlay zone.

1405. While the land is adjacent to the Waitati School, the area is clearly outside Waitati village. Although there is some established rural-residential activity, the dwellings are sparsely spread. A change to Large Lot Residential zoning would allow development of approximately 110 lots (s42A Report for ULS Part 2, 5.1.17, p. 167).

1406. Mr Knox assessed the effects on rural character and visual amenity. He noted that the area is reasonably visible from a number of public viewing points around Blueskin Bay. The existing wider area has significant natural character values, especially at higher elevations adjacent to Orokonui Reserve and around Mopanui. In his opinion, rural amenity values have already been compromised in this area by the existing Rural Residential zoning, and any additional urban development intensification would further exacerbate adverse effects on these values. More domestication, especially at higher elevations, would provide unnecessary urban sprawl (Statement of Evidence, p. 9).

1407. The Reporting Officer noted that lack of capacity in the water network. For this reason, and effects on rural amenity values, she considered that zoning the area residential is not consistent with Policy 2.6.3.1. In her view, the existing Rural Residential 1 zoning is most appropriate, reflecting the existing character.

1408. We received no evidence specifically on this site.

1409. We reject the submission by David Littleton (OS971.3) to change the zoning of 974 - 1045 Mt Cargill Road and 30 - 62 Short Cut Road from Rural Residential 1 Zone to Large Lot Residential 2 Zone.

1410. We assessed the sites against Policy 2.6.3.1 for appropriateness as residential zoning.

1411. The first consideration is Policy 2.6.3.1.a, relating to capacity. As discussed in section 3.3.6, we accept the Reporting Officer’s evidence there is sufficient residential capacity for the short term (clause 2.6.3.1.a.i) and therefore provision of additional capacity has not been heavily weighted in our decision-making. We have therefore rezoned to residential only where there is clear alignment with other elements of Policy 2.6.3.1.

1412. Turning to Policy 2.6.3.1.b, the evidence of DCC Transportation Group staff did not support the proposed rezoning. Specific issues raised included existing pressure on SH1 during morning peak and expected reduction in LOS at the SH/north end of city in 10-15 years, and relatively poor provision for non-motorised modes, relative distance from services and centres, and the unsealed nature of Shortcut Road.

1413. The evidence of DCC Water and Waste Services staff is that there are water capacity issues in the water infrastructure catchments serving Waitati, that there is no capacity to serve the area, and that additional capacity will not be available for the next 15-20 years. No wastewater service available in this area (i.e. on-site disposal would be